The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER M. PRICE, JUDITH MEGYESI, and ROBERT SAFIRSTEIN MAILED

AUG 2 3 2004

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No. 09/881,635

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a copy of the el Nahas et al.¹ reference relied on by the examiner in the Examiner's Answer mailed December 4, 2003. We were able to locate only an abstract.

el Nahas et al., "Renal Fibrosis: Insights into Pathogenesis and Treatment," International Journal of Biochemistry and Cell Biology, Vol. 1, pp. 55-62, Ref: 67 (1997)

Accordingly, it is

ORDERED that the application is remanded to the examiner to:

- locate and place a complete copy of the missing reference (el Nahas et al.) in the administrative file
- written response to appellants, and
- for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

Craig R. Feinberg

Program and Resource Administrator

(703) 308-9797

Benjamin Aaron Adler Adler & Associates 8011 Candle Lane Houston, TX 77071

dem RA04-0737